



who market services or products in competition with others, feasibility, planning, and marketing studies, and evaluations and other materials which contain references to potential customers, competitive information or evaluation.” We find that the information for which ITC seeks protection as proprietary or confidential falls within this definition of materials which may be exempted from disclosure under FOIA.

By Order No. 2003-729, dated December 17, 2003, the Commission provided procedures to protect materials designated confidential by the parties. However, Order No. 2003-729 addressed how the parties would treat confidential or proprietary information and did not address how the Commission would treat materials designated as confidential or proprietary. ITC’s request for confidential treatment of its responses to BellSouth’s interrogatories requests that materials designated as confidential be treated as such by the Commission.


Because the Commission finds that the information filed by ITC is proprietary and meets the definition of “trade secrets” as defined under FOIA, the Commission grants the Motion of ITC. Therefore, the Commission modifies the previous Protective Order issued in this docket by specifically providing that the aforementioned information provided by ITC for filing with the Commission shall be considered proprietary and confidential and shall be subject to the same conditions and protections afforded by Order No. 2003-729, dated December 17, 2003.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED THAT:


1. Confidential and proprietary materials filed with the Commission by ITC in response to discovery requests propounded by parties in this docket shall be subject to the same conditions and protections afforded by Order No. 2003-729, dated December 17, 2003.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Mignon L. Clyburn, Chairman

ATTEST:

  
Bruce F. Duke, Executive Director

(SEAL)